

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

FILED

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ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY BS DEPUTY

PAUL L. BURCHARDT, JR.,)

Plaintiff,)

vs.)

No. CIV-05-362-W

JO ANNE B. BARNHART,)
Commissioner of Social Security)
Administration,)

Defendant.)

ORDER

On November 17, 2005, United States Magistrate Judge Gary M. Purcell issued a Report and Recommendation in this matter and recommended that this Court reverse the decision of the defendant, Jo Anne B. Barnhart, Commissioner of the Social Security Administration ("Commissioner"), denying plaintiff Paul L. Burchardt, Jr., disability insurance benefits and supplemental security income and remand the matter for further administrative proceedings. The parties were advised of their right to object to the Report and Recommendation, but neither party has objected within the allotted time.

Upon de novo review of the record, the Court concurs that reversal of the Commissioner's decision as well as remand of this matter for further proceedings is warranted for the reasons stated by Magistrate Judge Purcell. Such actions will afford the administrative law judge the opportunity to reconsider inter alia the severity of Burchardt's impairments—anemia and hepatitis C infection—in light of Burchardt's medical records and to reevaluate the medical opinions rendered by Burchardt's primary care physician, David T. Rothwell, M.D.

Accordingly, the Court

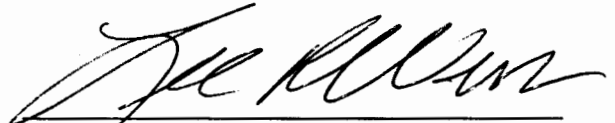
(1) ADOPTS the Report and Recommendation issued on November 17, 2005;

(2) REVERSES the Commissioner's decision to deny Burchardt's Application for Disability Insurance Benefits and his Application for Supplemental Security Income;

(3) REMANDS this matter to the Commissioner pursuant to sentence four of Section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), for further administrative proceedings in accordance with Magistrate Judge Purcell's Report and Recommendation; and

(4) ORDERS that judgment issue forthwith.

ENTERED this 9th day of December, 2005.



LEE R. WEST
UNITED STATES DISTRICT JUDGE